

Application No. 10/540,354
After Final Office Action of January 25, 2008

Docket No.: 209546-98123

REMARKS

Claims 1-6 and 9-12 were pending in this application. By this paper, claim 1 was amended. Claims 6 and 10 was cancelled and claims 13 and 14 were added. Claims 1-5, 9 and 11-14 are now pending. Favorable reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

I. 35 U.S.C. § 112, First Paragraph

1. The Office action rejected claims 1-6 and 9-12 under 35 U.S.C. §112, first paragraph over as failing to comply with the written description requirement. In light of the amendments to the claims and the following remarks, the rejection is respectfully traversed.

In relation to the above rejection, the Examiner raised several rejections that were stated at sub-sections a) through d) on pages 2-3 of the Final Office Action. Applicant addresses each of the sub-sections below.

A. Regarding sub-section a), a first aspect of the rejection was stated as follows:

- a) the phrase "the class 'A' surface is defined by the in-mold coating" (cl 1, lns 14-15) lacks support in the instant disclosure. The instant specification at paragraph [0009] states that the class "A" surface is defined by the surface of the cavity.

Applicant respectfully disagrees with the above rejection and submits that the originally-filed specification does provide support for the phrase "*wherein the class 'A' surface is defined by the in-mold coating.*"

Applicant provides the following excerpts from U.S. 2006/0261515 ("the publication of the application") as evidence of the support provided in the originally-filed specification. As seen in paragraphs [0012]-[0013], it is stated that the IMC 19 is sprayed across the surface of the cavity. The surface of the cavity 16 forms the class "A" surface of the workpiece 18. The workpiece 18 is integrally-formed with the IMC 19.

[0012] Referring to FIGS. 1-3, a melt compression mold tool 10 is generally shown. The melt compression mold (MCM) tool 10 comprises of an upper mold tool 12 and a lower mold tool 14. The upper mold tool 12 defines a cavity 16 having a desired contour that forms the shape of a work piece (Not shown). As described in more detail below, the work piece 18 is integrally formed with an in-mold coating (IMC) 19 in a single operation within the MCM tool 10. The MCM process permits the IMC 19 to be integrally bonded with the work piece 18 under low pressure curing conditions, thereby providing a simpler and more cost-effective method of manufacturing the work piece 18, in comparison to products with coverstock materials.

[0013] The process of the present invention utilizes IMC 19, which are commercially available. The IMC 19 is sprayed on the surface of the cavity 16 of the upper mold tool 12 with a spray gun 21. The surface of the cavity 16 forms the class "A" surface of the work piece 18. In the

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Accordingly, in view of the disclosure of the originally-filed specification, there is support for the following, as recited in claim 1 of the present invention:

bonding the in-mold coating with the work piece material and forming a work piece including an integral class "A" surface, wherein the class "A" surface is defined by the in-mold coating;

Withdrawal of the rejection is hereby requested.

B. Regarding sub-section b), a second aspect of the rejection was stated as follows:

b) the phrase "wherein the above steps are conducted in one cycling operation" (cl 1, lns 17-18) lacks support in the instant disclosure. The instant specification at paragraph [0014] defines "one cycle" as the time from closing the mold tool to opening the mold tool. The definition does not mention the steps of providing a low-pressure mold tool, introducing an in-mold coating, and introducing a work piece material.

Applicant respectfully disagrees with the above rejection and submits that the originally-filed specification provides adequate support for the claimed invention. However, to expedite prosecution of the claimed invention, Applicant has elected to cancel the limitation "*wherein the above steps are conducted in one cycling operation*" in this paper. Withdrawal of the rejection is hereby requested.

C. Regarding sub-section c), a third aspect of the rejection was stated as follows:

c) the phrase "airlessly atomizing the in-mold coating" (cl 11, lns 2-3) lacks support in the instant disclosure. The instant specification at paragraph [0009] mentions spraying the coating, but does not mention the combination of airless and atomizing. In fact, the instant specification mentions using an airless gun or an air atomized gun.

Applicant respectfully disagrees with the above rejection and submits that the originally-filed specification does provide support for the phrase "*airlessly atomizing the in-mold coating*."

Applicant provides the following excerpt from the publication of the application as evidence of the support provided in the originally-filed specification. As seen in paragraph [0013], the following is stated:

[0013] The process of the present invention utilizes IMC 19; which are commercially available. The IMC 19 is sprayed on the surface of the cavity 16 of the upper mold tool 12 with a spray gun 21. The surface of the cavity 16 forms the class "A" surface of the work piece 18. In the illustrated process, the spray gun 21 is an airless gun that utilizes a high pressure, hydraulic system. As the IMC 19 passes through a nozzle 22 of the spray gun 21, the IMC 19 is atomized. However, the process of the present invention

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In view of the above, Applicant respectfully asks how the Examiner's assertion that the claim limitation of "*airlessly atomizing the in-mold coating*" is not supported by the originally-filed specification, when, in fact, paragraph [0013] explicitly states that the gun 21 is an airless gun that atomizes the IMC 19 as it passes through the nozzle 22 of the airless gun 21? Withdrawal of the rejection is hereby requested.

D. Regarding sub-section d), a third aspect of the rejection was stated as follows:

d) the phrase "masking...second mold halves" (d 12, lns 3-5) lacks support in the instant disclosure. The instant specification mentions forming two tones by spraying the two coatings on the workpiece. There is no mention in the instant specification of spraying two coatings on the first and second mold halves.

Applicant respectfully disagrees with the above rejection and submits that the originally-filed specification does provide support for the phrase "*masking said work piece by spraying a second in-mold coating different from said first in-mold coating onto said one of the first and second mold halves.*"

Applicant provides the following excerpt from the publication of the application as evidence of the support provided in the originally-filed specification. As seen in paragraph [0014], the following is stated:

[0014] The IMC 19 is sprayed uniformly across the surface of the cavity 16 of the upper mold tool 16. However, it can be appreciated that the IMC 19 does not have to be uniformly sprayed. A combination of processes can be employed, such as molding a conventional coverstock (not shown) on an upper portion of the work piece 18 while employing the IMC 19 on a second portion of the work piece 18. Alternatively, two tone effects (not shown) can be generated by masking the work piece 18 and spraying two different types of IMC 19 on the work piece 18. Addition-

Applicant respectfully asks how the Examiner's assertion that the claim limitation of "*masking said work piece by spraying a second in-mold coating different from said first in-mold coating onto said one of the first and second mold halves*" is not supported by the originally-filed specification, when, in fact, paragraph [0014] explicitly states the above limitation? Withdrawal of the rejection is hereby requested.

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II. 35 U.S.C. § 103

The Office Action rejects claims 1-6 and 9-12 under 35 U.S.C. § 103(a) over EP 0995568 to DeWinter et al. ("DeWinter"). In light of the following remarks, the rejection is respectfully traversed.

Applicant has amended claim 1 to further define the claimed method by including the limitations from dependent claim 10, which is now cancelled. Claim 10 previously recited the step of "*formulating the in-mold coating to include a mold release agent.*"

Applicant notes that all of previously-added claims 10-12 were rejected in the present Final Office Action with a cursory *Office Notice / well known* rejection without providing any supporting evidence. In view of the fact that the Office Notice was taken when the claims were under final rejection, Applicant directs the Examiner's attention to the following from MPEP §2144.03, A. 8th Ed. 6th Rev. (September 2007):

A. Determine When It Is Appropriate To Take Official Notice Without Documentary Evidence To Support the Examiner's Conclusion

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by docu-

Further, Applicant respectfully disagrees with the Examiner that the limitations of claim 10 are well-known in the molding art and requests that the Examiner provides adequate evidence to support the rejection per MPEP §2144.03, C. 8th Ed. 6th Rev. (September 2007).

C. If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or Not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding With Adequate Evidence

Applicant acknowledges that mold-release agents may be known in the art; however, the modification (i.e., the formulating) of an agent, such as, for example, the claimed in-mold coating to include the release agent is novel. Applicant is unable to find this teaching in the art of record and requests that supporting evidence be provided by properly examining this previously-added limitation as required by MPEP.

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Claims 2-6, 9 and 11-12 depend from claim 1 and include patentable subject matter.
Withdrawal of the rejection to claims 1-6, 9 and 11-12 is hereby requested.

III. New Claims

Applicant has added new independent claims 13 and 14. Applicant submits that claims 13 and 14 were properly added in this after-final paper due to the fact that an equal number of claims have been cancelled in this paper (i.e., claims 6 and 10)

Independent claim 13 substantially incorporates the limitations of claim 1 and dependent claim 11. Independent claim 14 substantially incorporates the limitations of claim 1 and dependent claim 12. Both of claims 11 and 12 were similarly rejected by way of Official Notice. As similarly stated above, Applicant hereby requests that a prior art search is conducted and that the teachings of uncovered prior art are applied to the limitations of claims 13 and 14.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 209546-98123 from which the undersigned is authorized to draw.

Dated: 3/25/2008

Respectfully submitted,

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